

Applicants : Aharoni, et al.
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REMARKS

Claims 16, 19-20, 32-38 and 157-165 were pending in the subject application. Applicants have amended claim 16 and canceled withdrawn claims 34-38 and 157-165 without prejudice. Accordingly, claims 16, 19-20 and 32-33 as amended are pending in the subject application.

In view of the preceding claim amendment and the remarks which follow, Applicants maintain that the grounds of the Examiner's rejections have been overcome, and respectfully request that these grounds of rejection be withdrawn.

Rejection under 35 U.S.C. §112

In section 1 of the December 5, 2006 Office Action, the Examiner rejected claims 16, 19, 20 and 32-33 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner alleged that the specification, while being enabling for a pharmaceutical composition comprising a pharmaceutically acceptable carrier and terpolymers of randomly polymerized tyrosine, alanine and lysine, does not reasonably provide enablement for the recitation of a pharmaceutical composition comprising a pharmaceutically acceptable carrier and a "therapeutically effective amount" of terpolymers of randomly polymerized tyrosine, alanine and lysine.

In Section 2 of the December 5, 2006 Office Action, the Examiner rejected claims 16, 19, 20 and 32-33 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleged that claim 16 is ambiguous and unclear in the recitation of a "therapeutically effective amount". The Examiner alleged that the claims are drawn to a composition, not a treatment method

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and therefore, the recitation of a "therapeutically effective amount" is unclear because the concentration of an ingredient can vary in a composition and the amount of a composition given to a subject is also variable.

In response, Applicants have amended claim 16 to no longer recite "a therapeutically effective" amount. Accordingly, the rejections of claims 16, 19, 20 and 32-33 are moot.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is deemed necessary, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
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